

AMENDED IN ASSEMBLY JANUARY 5, 2004

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 338

Introduced by Assembly Member Levine

February 11, 2003

~~An act to amend Section 2108.1 of the Streets and Highways Code, relating to transportation. An act to add Section 42703 to the Public Resources Code, relating to recycling.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 338, as amended, Levine. ~~Local streets and highways: pavement management program~~ *Recycling: crumb rubber.*

~~Existing law requires the City, County, State Cooperation Committee in the Department of Transportation to develop and adopt by July 1, 1990, a pavement management program to be utilized on local streets or highways that receive funding under the state transportation improvement program.~~

~~This bill would make a nonsubstantive change to these provisions.~~

Existing law requires the State Procurement Officer, in purchasing any materials to be used in paving or paving subbase for use by the Department of Transportation and any other state agency that provides road construction and repair services, to make contracts available that utilize recycled materials, including crumb rubber, unless the Director of Transportation determines that the use of the materials is not cost-effective based on specified factors.

This bill would require the Department of Transportation, to the extent permitted by law, and in consultation with the board, to require the use of asphalt containing crumb rubber in lieu of other materials to

the maximum extent feasible in state highway construction or repair projects that use asphalt, but not less than 15% of these projects. The bill would provide that it does not require the use of asphalt containing crumb rubber for a particular project if the Department of Transportation determines that use of that material will not meet engineering standards and specifications for that project or if it is not cost-effective.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 ~~SECTION 1. — Section 2108.1 of the Streets and Highways~~
2 SECTION 1. *The Legislature finds and declares all of the*
3 *following:*
4 (a) *Thirty-two million scrap tires are currently generated in*
5 *California each year.*
6 (b) *By the year 2020, more than 43,000,000 scrap tires will be*
7 *generated each year in California.*
8 (c) *There are currently up to 6,000,000 tires in legal and illegal*
9 *scrap tire piles.*
10 (d) *Twenty-five percent of California scrap tires, more than*
11 *8,000,000 tires, are disposed of in landfills or stockpiled in legal*
12 *or illegal dumps.*
13 (e) *Crumb rubber from recycled scrap tires can be used as an*
14 *additive for making asphalt for highway construction and repair.*
15 (f) *It is state policy to not discard scrap tires in landfills or legal*
16 *or illegal stockpiles, and to find alternative uses for recycling tires*
17 *that have been generated in California.*
18 SEC. 2. *Section 42703 is added to the Public Resources Code,*
19 *to read:*
20 42703. (a) *The Department of Transportation, to the extent*
21 *permitted by law, and in consultation with the board, shall require*
22 *the use of asphalt containing crumb rubber in lieu of other*
23 *materials to the maximum extent, but not less than the amount*
24 *specified in subdivision (b), that is feasible in state highway*
25 *construction or repair projects that use asphalt.*
26 (b) *In at least 15 percent of all state highway construction or*
27 *repair projects subject to subdivision (a), the Department of*

1 *Transportation shall require the use of asphalt containing crumb*
2 *rubber in lieu of other materials.*

3 *(c) This section does not require the use of asphalt containing*
4 *crumb rubber for a particular project if the Department of*
5 *Transportation determines that use of that material will not meet*
6 *engineering standards and specifications for that project or if the*
7 *use is not in accordance with any findings made pursuant to*
8 *subdivision (a) of Section 42701.*

9 ~~Code is amended to read:~~

10 ~~2108.1. By July 1, 1990, the City, County, State Cooperation~~
11 ~~Committee in the department shall develop and adopt a pavement~~
12 ~~management program to be utilized on local streets or highways~~
13 ~~that receive funding under the state transportation improvement~~
14 ~~program.~~

15 ~~The pavement management program shall be transmitted to~~
16 ~~every county and city for possible adoption or incorporation into~~
17 ~~an existing pavement management program.~~

18 ~~The City, County, State Cooperation Committee shall solicit~~
19 ~~recommendations from transportation planning agencies and any~~
20 ~~other entity the committee deems appropriate.~~

